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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,775	03/15/2002	Jean-Christophe Jacques Kling	3206.2.1 NP	4985

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Starkweather & Associates
9035 South 1300 East #200
Sandy, UT 84094

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,775

Applicant(s)

KLING, JEAN-CHRISTOPHE
JACQUES

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings stand objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference numerals "A", "B", or "C". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "A,B, and C" vertices must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

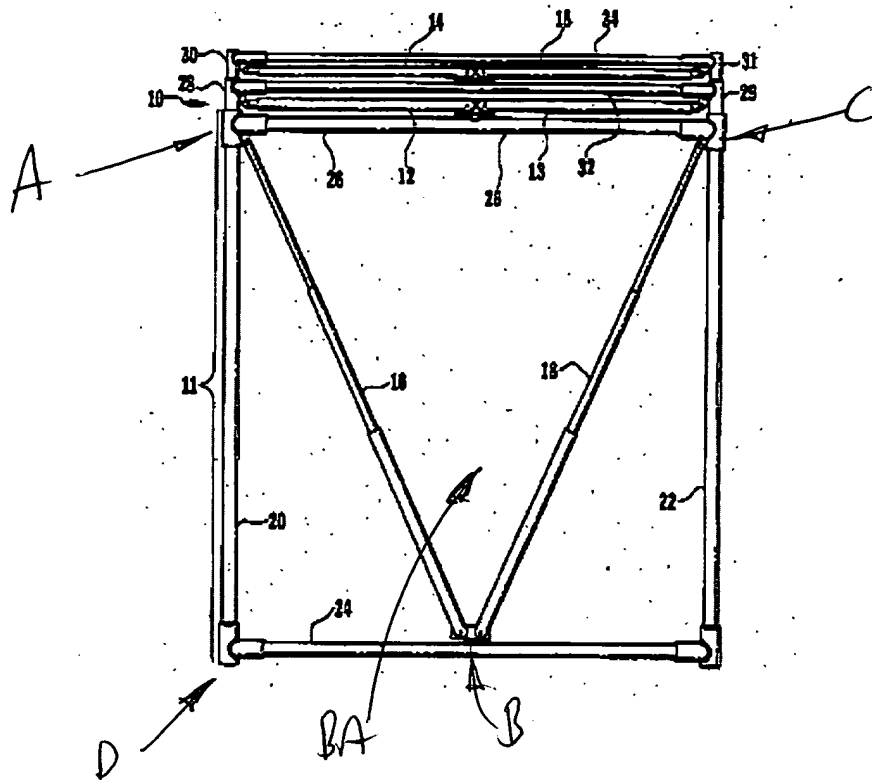
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is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,604,844 to MIKULAS, Jr. et al. MIKULAS, Jr. et al. discloses the use of an architectural system (10) including a triangular base (BA) consisting of a first (16), second (18) and third (26) strut aligned along first (AB), second (BC), and third (CA) axis; such that the first and third struts (16,26) form a first acute base angle (CAB), the first and second (16,18) struts form a second acute base angle (ABC), and the second and third struts (18,26) form a third acute base angle (BCA), see below; wherein the



struts (16,18) each consist of at least two rigid pieces (column 2, line 67 to column 3, line 2) movable apart to form a strut elongation. The structure (10) further includes a first node (A) engaging the first (16) and third (26) struts, a second node (B) engaging the first (16) and second (18) struts, a third node (C) engaging the second (18) and third (26) struts, and an extension (20,22,24) (28,30) and (29,31); wherein the extensions (20,22,24) (28,30) and (29,31) consists of fourth struts that engage the triangular base (BA), see the marked attachment. MIKULAS, Jr. et al. discloses the basic claimed structure except for explicitly detailing the exact dimensions of the angles forming the base triangle or the angle of the fourth strut. Although MIKULAS, Jr. et al. does not detail explicit angles that form the base triangle, it would have been obvious to one having ordinary skill in the art at the time the art was made to select an angle dimension

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suitable for the use intended as an obvious matter of design choice. For instance, larger width structures a larger angle dimension would be required; however, when a smaller size structure is being formed, a smaller angle dimension would be required. Also, the strength of the member forming the strut or how the structure is intended to be used will determine the size of the angles that form the triangular base. In reference to claims 2-4, the fourth axis (DA) forms an angle (DAB) with the first axis; however, selection of the angle between the first and fourth axis or the angle of the fourth axis is also a matter of design choice, see also the marked attachment. Further, the applicant discloses a wide range of angle dimensions suitable for selection of the angle between the first and fourth axis, thus the applicant has shown no criticality for the selection of any one desired angle dimension. Regarding claims 5 and 11, MIKULAS, Jr. et al. also does not disclose a strut diameter or node radius; however, this too is a matter of design choice dependent upon the use intended. In reference to claim 6, the extensions include polygons (14,15,34); (12,13,32); (28,12,26); (30,32,14); (29,26,13) and (31,32,15) having "N" number is sides each occupied by a respective strut such that the third axis (CA) contains one of the "N" sides (26), the fourth axis contains another of the "N" sides (20) wherein the fourth strut forms a portion of the polygon. Regarding claims 7-10 and 14-24, the values for "j"; "n"; "m"; "t"; "q"; or "k"; are also a matter of design choice dependent upon the use intended.

In reference to claim 12, the second node includes first and second couplings respectively engaging the first (16) and second (18) struts such that the first coupling (38) and pins similar to (40,41,44,46,53,54) is capable of retaining the first (16) strut

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under tension along the axis (AB), and the second (18) coupling (38) and pins similar to (40,41,44,46,53,54) is capable of retaining the second (18) strut under tension along the second axis (BC). Regarding claim 13, the struts (16,18,26) are non-metallic struts, column 3, lines 55-57.

Response to Arguments

Response to Arguments

Applicant's arguments filed 8/10/05 have been fully considered but they are not persuasive. Regarding the applicant's argument that MIKULAS does not teach an extension forming an angle greater than three degrees; clearly the extension formed by (20,22,24) is positioned at an angle greater than three degrees of the base triangles. This extension formed by (20,22,24) extends by at least a ninety degree angle, as does the extensions (28,30) and (29,31).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne M. Horton
Art Unit 3635
10/31/05